

## LEGAL ASSISTANCE OFFICE—WILL WORKSHEET

### PRIVACY ACT STATEMENT

**AUTHORITY:** 10 USC 3012

**PRINCIPAL PURPOSES:** To be used in the preparation of a Last Will and Testament.

**ROUTINE USES:** None.

**DISCLOSURE IS VOLUNTARY**, but failure to supply this information may preclude preparation of a Last Will and Testament

To schedule an appointment, contact the Legal Assistance Office at (502) 624-2771.

This Will Worksheet will answer common questions concerning Wills and prepare you to discuss your needs and desires with an attorney. After you complete this will worksheet you will give it to the attorney with whom you have been given an appointment. The attorney will review your information and answer any questions you have concerning the preparation of your Will. Please do not hesitate to ask the attorney any questions you have regarding the disposition of your property and the designation of individuals to serve in certain capacities or to receive certain property.

**IF YOU CURRENTLY HAVE A WILL, BRING IT ALONG TO THE APPOINTMENT.**

**PLEASE PROVIDE ALL INFORMATION CLEARLY. THIS FORM WILL BE USED TO PREPARE YOUR WILL.**

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### COMMONLY ASKED QUESTIONS/IMPORTANT INFORMATION

**(1) WHAT IS A WILL?** A will is a legal document that states your desires concerning what will happen to your property after your death. A will can also contain instructions on who will implement your instructions and who may take care of any minor children after your death.

**(2) WHAT IS PROBATE?** It is the court process of legally establishing the validity of a will and administering an estate. Probate also addresses such issues as taxes, the guardianship of your children, etc.

**(3) WHY SHOULD I MAKE A WILL?** If you die without a valid will, state law, either your state of legal residence or the state where you die, will control the distribution of your property. Generally, for you to control what happens to your property you must have a valid will.

**(4) BE AWARE THAT THE LEGAL ASSISTANCE OFFICE CANNOT HELP YOU WITH ANY OF THE FOLLOWING** – special needs trusts, inter vivos trusts, charitable remainder trusts, or living trusts. If you are interested in any of these items, it is recommended that you talk with an estate planner. The Legal Assistance Office can provide you with an attorney referral list featuring several estate planners in the Fort Knox area. An estate planner can help you in establishing these various trusts.

**(5) WHAT IF I OWN OR OPERATE MY OWN BUSINESS?** Owning or operating your own business raises certain legal issues that need to be addressed in your will. The Fort Knox Legal

Assistance Office cannot see you under such circumstances. You should instead consult with an estate planner. An attorney referral list is available at the Legal Assistance Office.

**(6) WHAT ABOUT THE FEDERAL ESTATE TAX?** Federal estate taxes can take a tremendous amount out of an estate. For deaths in the year 2006, if your estate is larger than \$2,000,000, estate tax applies to any amount over \$2,000,000 and the tax rate starts at 46%! Under the system, individuals can transfer a specified amount (\$1 million in 2002 and up to \$3.5 million by 2009) in cash and other property without Federal estate or gift tax liability. Unless Congress makes this permanent, however, the estate tax exemption returns in 2011 to a mere \$1,000,000; so it is important to know the value of your estate as the years go along.

Calculate your estate value by adding the fair market value of all your assets, and then subtract any debts you may have. **YOU MUST INCLUDE ANY LIFE INSURANCE YOU HAVE, INCLUDING SGLI.** If the value of your estate exceeds the amounts allowed tax-free above, it is recommended that you talk with an estate planner. Certain clauses can be inserted into a will in order to reduce or perhaps eliminate the need to pay inheritance tax. The Legal Assistance Office does not provide these services. The Legal Assistance Office can provide you with an attorney referral list featuring several estate planners in the Fort Knox area.

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#### CLIENT INFORMATION

(1) YOUR FULL NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

(2) Are you a citizen of the United States? YES / NO

(3) YOUR DOMICILE STATE (State of Legal Residence): \_\_\_\_\_  
(This is the place where you have your permanent home, to where, whenever you are absent, you have the intention of returning).

State in which you are registered to vote: \_\_\_\_\_

State where you are licensed to drive: \_\_\_\_\_

State where you pay income tax: \_\_\_\_\_

State(s) where you own real estate: \_\_\_\_\_  
(Please identify the type of real estate, i.e. house, land, etc.).

(4) Do you own or operate your own farm? YES / NO

(5) Are there any trusts (**NOT** in any will), such as living trusts, already established for the benefit of yourself, any family members or other beneficiaries? YES/NO

(6) MARITAL STATUS

Are you currently married? YES / NO



Spouse's Name \_\_\_\_\_  
FIRST MIDDLE LAST

Is your spouse a U.S. Citizen? YES/NO

Have you been married before? YES / NO

(7) List the names and ages of all of your natural born children, adopted children, or stepchildren. Under "Status," state whether the child is natural born, adopted, or a stepchild.

NAME	AGE	STATUS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(8) Do any of your children receive SSI or any other kind of assistance which might qualify them as "special needs" children? YES/NO

(9) If you have stepchildren, do you want your will to state that your stepchildren are to be treated under your will like natural born children? (In other words, do you want your stepchildren to inherit equally with your other children?) YES / NO

#### **VALUE OF ESTATE**

To determine what type of will is appropriate for you, we need an estimate of the value of your estate. For this purpose, include the value of all of the property you own in your name, and if married, the value of your spouse's property. If any of your property secures a debt (for example, a mortgage on your home), include only your equity in the property. Also include the value of your life insurance policies (SGLI, VGLI, etc.). Note that life insurance ordinarily does **not** pass according to your will; it will go to the beneficiaries you designated in the policy. The policy's "face value" is usually included in determining whether estate taxes will apply in your case.

#### **FINANCIAL DATA**

Clients owning property that exceeds \$1,000,000 total should complete this section **jointly** to accurately determine the estate and gift tax consequences, if any, resulting from the distribution of your property. You need only provide approximate figures. If you prefer, you can provide us with a

recent financial statement that accurately reflects the current value of your joint and individual assets and liabilities. For all property, real or personal, to include intangible property, please bring copies of deeds or other documents indicating ownership.

	Joint	Client	Spouse	Total
Checking accounts				
Savings accounts				
Residences* (equity)				
Other real estate				
Investments (excluding retirement benefits)				
Retirement benefits				
Closely held business (es)				
Life Insurance/ death benefits				
Vehicles				
Liabilities (debts)				
Other personal property (furniture, jewelry, etc.)				
Other				
Other				
<b>TOTAL</b>				

\* Indicate if the residence is the primary home or a rental.

### REAL ESTATE

(Frequently, a husband and wife own real estate jointly with right of survivorship. If you and your spouse own your home or other property that way, your will does not affect how your ownership interest passes when you die.)

Do you own real estate jointly with your spouse? \_\_\_\_\_ yes \_\_\_\_\_ no

Do you own real estate other than jointly with your spouse? \_\_\_\_\_ yes \_\_\_\_\_ no

If yes, how do you wish to give your real estate?

\_\_\_\_\_ All to my spouse.

\_\_\_\_\_ Different properties to different beneficiaries (below, please list each person, their relationship to you, and which property they are to receive):

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\_\_\_\_\_ To pass with the rest of my estate.

\_\_\_\_\_ My home to my spouse and the rest of my real estate to pass with the rest of my estate.

### **PERSONAL REPRESENTATIVE/EXECUTOR**

**(1) WHAT IS A PERSONAL REPRESENTATIVE/EXECUTOR?** A personal representative is a person that you name in your Will to carry out your desires, as expressed in your Will and to settle your estate. Be sure the person is someone you trust. Most married persons name their spouse first and an alternate in the event that their spouse is deceased or unable to act. You must select someone who is at least 18 years old. In addition, most states require that your personal representative be either a family member or a resident of that state.

**(2) Can I name co-personal representatives?** Yes, but this can be problematic because they both must agree before taking any actions to settle your estate. If your co-personal representatives cannot agree, a court must then become involved.

**(3) Who do you want to appoint as your personal representative/executor?**

\_\_\_\_\_ Full name

\_\_\_\_\_ Relationship to you

**(4) Who do you want to appoint as your alternate personal representative/executor?**

\_\_\_\_\_ Full name

\_\_\_\_\_ Relationship to you

**(5) Do you wish to appoint another alternate personal representative/executor?**

If so, please list their name and relationship to you \_\_\_\_\_

### **DISTRIBUTION OF PROPERTY**

**(1) WHAT CAN I DO WITH MY PROPERTY?** You can give your property to anyone you wish, although there are laws in some states which may give your spouse and/or children a right to a portion of your property even if you do not mention them in the will.

**(2) CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE?** Yes. You should discuss this with your Legal Assistance attorney. In order to make a specific bequest, you must fully describe what you want to give and the person who is to receive it. You should be careful about specific bequests. If, before your death, you dispose of the property which is subject to a specific bequest, or if there is any doubt about the exact property that you have described in your will, you may create difficulties for your personal representative. Also, keep in mind that if you make a specific bequest, and later decide that you would rather have the property go to another individual, your will would have to be updated.

**(3) IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE?** No. For example, proceeds of life insurance policies (including SGLI) go to the person you name as the beneficiary on the insurance policy. Additionally, property that is jointly owned with a right of survivorship goes directly to the surviving joint owner. Property passed in this manner avoids the probate proceeding.



(4) TO WHOM DO YOU WANT TO LEAVE YOUR PROPERTY? (Please indicate the person's relationship to you).

a. I would like to leave all of my property to my spouse. YES / NO

If NO, I would like to leave my property to \_\_\_\_\_

b. If the individual in (a) does not outlive me, then I want to leave all of my property to my children. YES / NO

If NO, I would like to leave my property to \_\_\_\_\_

c. If the individual in (b) does not outlive me, then I want to leave all of my property to my grandchildren. YES / NO

If NO, I would like to leave all of my property to \_\_\_\_\_

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**\*\*\*IF YOU DO NOT HAVE MINOR CHILDREN OR ARE NOT LEAVING ANY PROPERTY TO A MINOR, DO NOT COMPLETE THIS SECTION.**

(1) **AGE OF DISTRIBUTION:** If your intention is that your minor children not have access to your estate until they are older than age 21, please proceed below to Section B. If your intention is that your minor children have access to your estate at some point between the ages of 18 and 21, please read over both Section A and Section B and make your selection.

### **DISTRIBUTION OF YOUR ESTATE TO YOUR CHILDREN**

**IF YOU LEAVE PROPERTY TO MINOR CHILDREN, YOU MUST CHOOSE ONE OF THE FOLLOWING:**

\_\_\_\_\_ a. I want to give my executor **broad power and discretion** to decide the best manner to distribute property to minor children. My executor may establish accounts under the Uniform Gifts to Minors Act or Uniform Trusts to Minors Act; he/she may establish a trust for the benefit of the children; he/she may distribute money and property to the guardian or custodian of the child for the benefit of the child; and he/she may do such other acts as the law will allow to distribute property under my will for the benefit of the children. The child will have access to their portion of my estate upon their 21<sup>st</sup> birthday or younger, depending on my wishes.

➤ Age of distribution \_\_\_\_\_

\_\_\_\_\_ b. I want to establish a **TESTAMENTARY TRUST FOR MINOR CHILDREN**. A testamentary trust permits a person of your choosing, called the trustee, to control the property you give to your children in your will. A trust is similar to a bank account that you create for the use of your children; the property you leave to your children automatically goes into the account. The trustee uses the property to benefit the health, welfare and education of your children. If you decide to include a trust, you must choose at least one trustee, but you should name an alternate. You must also choose an age of distribution, which is the age when the children are to receive what is left of the trust. It should be at least 21 years of age. Complete the following questions only if you wish to include a testamentary trust for your minor children. Please indicate the relationship of the trustee/alternate trustee to you. You cannot name a minor to be either the trustee or alternate trustee.

➤ Trustee \_\_\_\_\_  
You may appoint different trustees for different children.

➤ Alternate trustee \_\_\_\_\_  
You may appoint different alternate trustees for different children.

➤ Age of distribution \_\_\_\_\_

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### **GUARDIAN**

(1) **WHAT IS A GUARDIAN?** A legal guardian is a person who will take custody of your minor children until they reach age 18. Normally, if your spouse survives you, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

(2) Guardian \_\_\_\_\_  
You may appoint different guardians for different children.

(3) Alternate guardian \_\_\_\_\_  
You may appoint different alternate guardians for different children.

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### **FUNERAL ARRANGEMENTS**

You may have a strong desire regarding your funeral (for example, burial or cremation). As a practical matter, your funeral may have been carried out by the time your will is read. Finding out after the fact that the arrangements were contrary to your will may cause some dismay for your survivors. Therefore, we recommend that you tell your desires to your next of kin at your earliest opportunity other than in your will, often in a Letter of Instruction that accompanies your will. You should tell the appropriate family members of your desires NOW!

At my death, I prefer:

- \_\_\_\_\_ To be cremated.  
\_\_\_\_\_ To have my body given for medical or scientific purposes.  
\_\_\_\_\_ To be buried at a specified gravesite or location. (**Please specify location**): \_\_\_\_\_  
\_\_\_\_\_ To be buried at sea.  
\_\_\_\_\_ To be buried with full military honors. (You may select this option in addition to one of the above.)  
\_\_\_\_\_ Other/ I do not wish to specify at this time: \_\_\_\_\_

MAKE NOTES BELOW ABOUT ANYTHING ELSE THAT YOU WANT TO DISCUSS WITH  
YOUR ATTORNEY.

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